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Minimum Post-Consumer Recycled Content Legislation

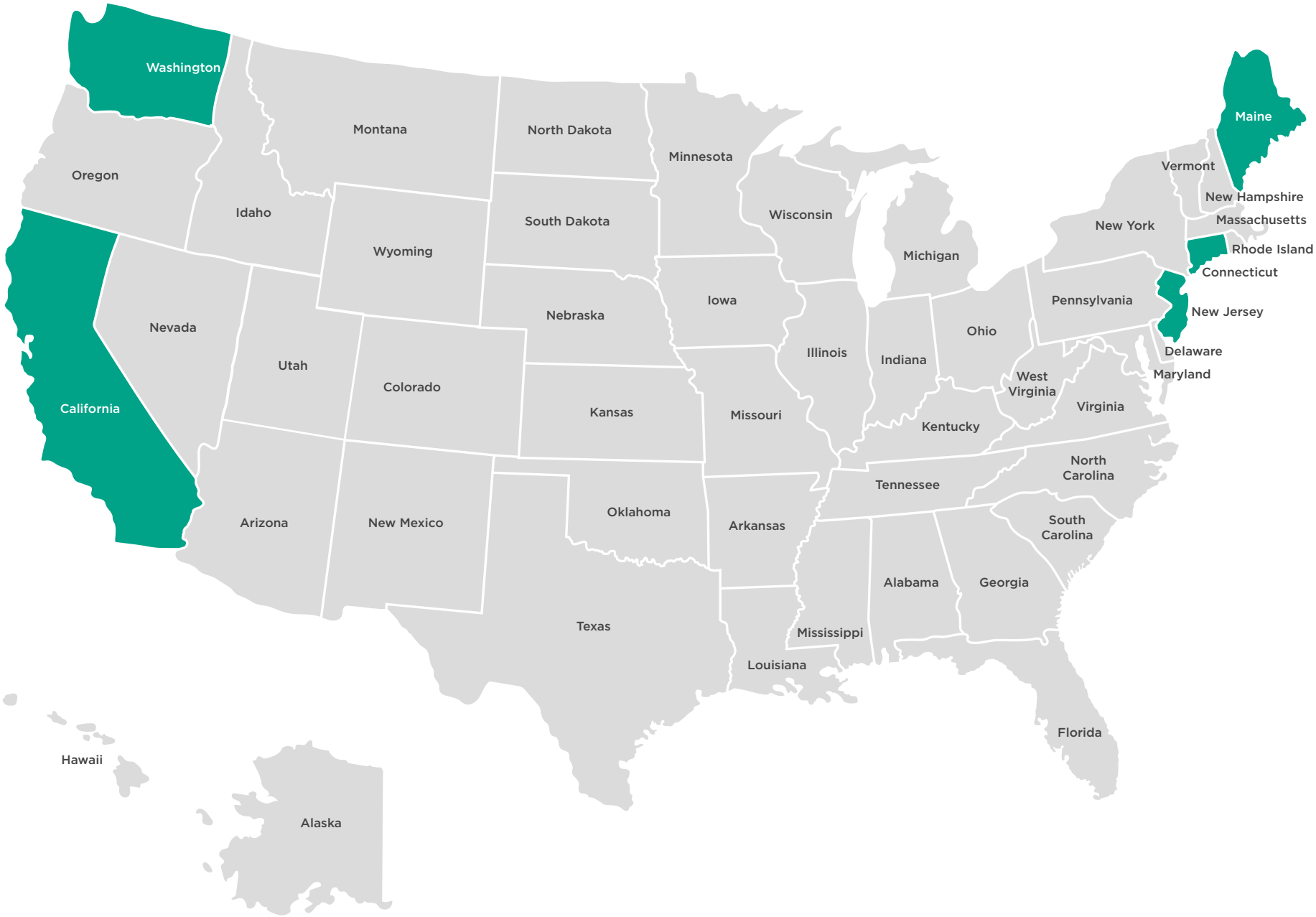
Sustainable packaging is no longer something that's nice to have—it's a business imperative. Legislators are setting standards for post-consumer recycled (PCR) content and taking further steps to require brands to adopt more sustainable packaging. This means that your brand will be impacted if you sell a product in any jurisdiction that has a specific PCR content requirement.

Post-consumer recycled content is material that has been reconstituted from non-virgin sources (e.g., recycled plastics or glass) and can be repurposed to create products for consumer use. PCR laws aim to reduce the use of virgin materials by requiring producers to include a mandated percentage of PCR in their plastic and/or glass products. By requiring PCR, these laws also serve to ensure ongoing demand for recycled materials (and a steady stream of business for the recycling companies that do this work).

In the US, five states so far have enacted laws that require containers to include a percentage of PCR (often called Minimum Recycled Content laws)—and more are considering following their lead. Brands that fail to meet mandated PCR levels in these states will face penalties, often fees for lack of adequate recycled content or the imposition of a corrective action plan.

We've developed this short reference guide to highlight some takeaways from new and emerging US legislation and to identify key packaging considerations for incorporating PCR into your brand's sustainable packaging strategy.

Current as of December 2023



Current as of December 2023

PCR Requirements by State

CALIFORNIA	CONNECTICUT	MAINE	NEW JERSEY	WASHINGTON
CA Plastic Minimum Content Standards (AB 793) became effective on January 1, 2022.	CT HB 6664 became effective on October 1, 2023.	ME LD 1467 will become effective on April 1, 2024.	NJ Recycled Content Law will become effective on January 18, 2024.	WA SB 5022 became effective on July 25, 2021.
UPCOMING REQUIREMENTS				
Requirements apply to plastic beverage containers currently covered by California Refund Value. • Currently: 15% PCR • 2025: 25% PCR • 2030: 50% PCR	Requirements apply to plastic beverage containers that are sold and distributed in the state. • 2027: 25% PCR • 2032: 30% PCR	Requirements apply to plastic beverage containers that are sold and distributed in the state. • 2026: 25% PCR • 2031: 30% PCR	Requirements apply to plastic beverage containers that are sold and distributed in the state. • 2024: 15% PCR with 5% increase every 3 years up to 50% All other rigid plastic containers: • 2024: 10% PCR with 10% increase every 3 years up to 50% Glass containers: • 2024: 25-35% PCR	Requirements apply to plastic beverage containers that are sold and distributed in the state. • Currently: 15% PCR • 2026: 25% PCR • 2031: 50% PCR Plastic wine & dairy containers: • 2028: 15% PCR • 2031: 25% PCR • 2036: 50% PCR Plastic household/personal care containers: • 2025: 15% PCR • 2028: 25% PCR • 2031: 50% PCR

Please consult with your legal team to understand the exemptions outlined in each state's legislation and to assess how specific legislative mandates impact your brand.

WHERE ELSE WE'RE WATCHING

While this chart only highlights legislative developments in the US, lawmakers in Canada, the EU, and elsewhere are also looking at post-consumer resin content requirements. Canada is eyeing what is (and isn't) working globally as they develop legislation that would set in place minimum PCR requirements by 2030. The EU, meanwhile, is set to adopt comprehensive packaging legislation that includes mandates on PCR as well as new recycling requirements. If you are currently importing into Europe, your packaging will need to comply with all EU sustainable packaging requirements—and we can help you with that. Moreover, what the EU adopts often comes to North America and elsewhere, so it's important to keep an eye on these sustainability initiatives.

PACKAGING IMPLICATIONS OF USING PCR

The following table is designed to help CPG companies understand the six critical factors to consider when incorporating PCR into existing or new package formats to ensure compliance with minimum PCR content requirements.

PCR CONSIDERATIONS	PLASTIC	GLASS
Odor	PCR can have a distinct odor—so it's important to perform sampling on your packaging to ensure that any odor does not bleed into the product. Odors can be minimized using deodorizing additives.	No impact
Color	While there have been great strides in developing post-consumer resin that looks almost undistinguishable from virgin resin, the increased concentration of PCR during the reheating process can cause the color of the packaging to become darker and more opaque. The more PCR in your packaging, the more the color is likely to be impacted. Virgin resin can be used as a colorant—so adopting a mix of PCR and virgin resin can be helpful. Whatever the percentage of PCR used, it's useful to conduct sampling to identify the ideal percentage of PCR to achieve the desired color.	No impact
Performance	Most plastics can only be recycled a few times before the PCR becomes unusable—and degradation in the polymer along with impurities can impact the performance of packaging that incorporates PCR. When using higher percentages of PCR (up to 100%), a package's shape and features can attribute to its total strength. Brands may need to consider a design modification or incorporate a combination of PCR and virgin material for their product to hold up throughout the product's life. Whatever percentage of PCR being used, it's important to performance test packaging prior to commercialization.	No impact
Food Grade	Manufacturers of food-grade post-consumer resin must certify that the PCR meets the same food safety requirements as virgin resin. To achieve this requires that, during the recycling process, the food-grade feedstock must be completely separated, and all contaminants removed. The final product may require the addition of virgin materials in some cases to ensure that the product meets food-grade requirements.	No impact
Price	While virgin resin prices are directly related to oil prices, post-consumer resin prices are determined based on the cost of collecting, sorting, and cleaning the materials. While PCR was historically less expensive, increased demand for post-consumer resin and the lack of supply to match it have pushed PCR prices higher than virgin resin. In addition, decisions about deodorizing, color control, and other factors—and the use of food-grade PCR—will increase costs.	No impact
Supply	Supplies of post-consumer resin are limited, due in large part to the fact that much of the material that consumers put out to be recycled ends up not being recycled as a result of contamination. Supplies have also tightened as more and more CPG companies increase their PCR content commitments. The good news is that Extended Producer Responsibility legislation should help stabilize the market for PCR by improving recycling infrastructure in the US.	

See Post-Consumer Resin for more information.

Source: https://www.gpi.org/why-recycle-glass

In addition to meeting these mandates, incorporating PCR can help achieve notable sustainability goals:

- More PCR potentially means less glass and plastic in landfills.
- Making PCR requires less energy than making virgin resin, thus reducing the carbon footprint.
- Demand for PCR helps to create demand for recycling—and recycling, in turn, leads to more material recycling and reuse.

If you're looking to add PCR into existing or new package formats, TricorBraun can help. Our deep relationships with suppliers mean that we work with multiple partners to secure PCR packaging for our customers. In addition to sourcing stock PCR solutions, our packaging experts can work with you to incorporate PCR into your existing packaging. Our award-winning Design and Engineering team can also provide you with commercial-ready custom PCR packaging. And our dedicated team of in-house quality professionals takes packaging through a range of qualification and functional testing to ensure that your sustainable packaging will perform as required. Let us partner with you to create quality PCR packaging for your brand.

This PCR legislative overview is designed to help you better understand emerging PCR requirements and how we can support you on this complex journey. If PCR isn't aligned with your materials selection or sustainability strategy, we can help you identify alternative sustainable packaging options. As one of the largest suppliers of packaging across all substrates, let us help you to evaluate what packaging materials and designs will best meet your sustainable packaging goals.

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